

May 30, 2017

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Comments of Gabrielle Broadcasting Licensee
 Ordinal I, LLC in RM-11787**

Dear Ms. Dortch:

Gabrielle Broadcasting Licensee Ordinal I, LLC (“Gabrielle”), pursuant to Public Notice Report No. 3076 (released April 27, 2017), hereby submits these comments on the rule making proposal filed by the National Association of Broadcasters (“NAB”).

Gabrielle supports NAB’s petition for rule making. The Commission needs to update its criteria for mitigation and resolution of interference complaints. First, the Commission must adopt a meaningful and objective threshold showing a full power station must make before triggering the Commission’s procedures for FM translator stations to resolve interference complaints, which is a costly and time-consuming process. Second, translator stations must have available all reasonable technical solutions for resolving interference complaints, including the filing of a displacement application. Third, the Commission must adopt a reasonable standard for when a translator station is deemed to resolve interference complaints, taking into consideration the number and geography of the complaints.

For over eight decades AM radio stations have provided news, information and specialized programming to listeners in their communities. The industry has undergone a substantial transformation during that time, from network and local programming in the middle part of the last century to more specialized programming in this century for local communities serving people of faith, minorities, foreign language, news and sports.

The technical limitations of the medium along with adoption of first television, then FM radio and now the Internet, have challenged the viability of AM radio. The Commission has undertaken initiatives over the past several decades to help AM radio, such as AM stereo, AM boosters and IBOC, but to no avail. FM translator stations represent the best possibility to help AM stations remain viable and relevant to their communities.

FM translator stations are a secondary service that traditionally provided fill-in service for commercial FM radio stations to overcome shadowing or terrain obstruction. Translator stations could not rebroadcast an AM station. In 2009, the Commission changed

its rules to allow translator stations to rebroadcast an AM station.

The effect upon AM stations has been nothing short of miraculous. AM stations forced to reduce power or cease operations after sunset and before sunrise are now able to provide improved services to their listeners via an FM translator. Daytime AM stations can now provide traffic, weather and local news to their audience during peak listening hours of morning and afternoon drive time. Daytime stations and stations operating with reduced power after sunset can expand upon local programming for events occurring after sunset, such as town council meetings, high school sporting events and emergency information. Translator stations provide fill-in service for AM stations where coverage may be inconsistent.

The use of translator stations to rebroadcast AM radio stations has increased significantly over the past seven years. Last year alone the Commission granted more than 1,000 construction permit applications for translator stations to move up to 250 miles in an effort to pair translator stations with AM stations. The majority of these applications relocated translator stations from rural to urban markets where AM stations desperately needed the translator stations. Expectations are that a similar demand for translator stations will manifest itself when the Commission opens two new filing windows for new FM translator stations to rebroadcast AM stations. More than likely these translator stations will serve smaller and more rural markets.

Commission approval of construction permits for FM translator stations to rebroadcast AM stations while helpful is not enough. A construction permit is of no use if the translator station is unable to remain on the air because of interference complaints.

The Commission's present procedures for processing interference complaints is stacked heavily against the translator station and in favor of the full power station. Under the current procedures, less than a handful of interference complaints is sufficient for the Commission to issue their standard letter instructing the translator station to resolve all interference complaints within 30 days. If the translator fails to resolve all complaints within 30 days, the translator station must cease operations. As few as one or two complaints are sufficient to start the complaint process and force the translator station to cease operations.

The complaint process imposes significant costs upon the parties and the Commission in terms of time, money and resources. The complaint process requires the parties to conduct "on/off" tests with each complainant. These on/off tests are conducted at stationary sites such as a listener's home or office or driving in the listener's car along travel routes where the listener regularly travels when listening to the full power station.

The underlying premise for the complaint process makes sense insofar as the full power station is a primary station while the translator station is a secondary station. However, the strict compliance standard is so skewed in favor of the full power station and to the detriment of the translator station that the translator station loses the majority of the time or alternatively is forced to seek a technical solution significantly reducing the

coverage area for the translator. The Commission needs to recalibrate the complaint process to balance the benefits translator stations provide for AM stations while ensuring full power stations can serve their communities of license.

Gabrielle is the licensee of AM radio broadcast station KXEG and FM translator station K241CS, both licensed to Phoenix. K241CS rebroadcasts the signal of KXEG. K241CS is able to broadcast KXEG because the station was moved from Nogales, Arizona to Phoenix, Arizona due to the filing windows the Commission opened last year for FM translator stations proposing to rebroadcast AM stations.

Gabrielle is embroiled in a dispute with the licensee of KSWG(FM), licensed to Wickenburg, Arizona, located more than 50 miles northwest from downtown Phoenix. This dispute illustrates the problems with the current process for resolving interference complaints and provides insight into the necessary improvements the Commission must make to the complaint process.

The licensee of KSWG complained to Gabrielle in late February and early March 2017 that K241CS was causing interference to the regular over the air reception by listeners of KSWG. Gabrielle met with some listeners, conducted on/off air tests at each site, but no interference from K241CS to KSWG was detected. The complainants said interference occurred on other days, but not the day the tests were conducted.

Nonetheless, the licensee filed a complaint with the Commission, alleging that K241CS was causing interference to KSWG. The complaint included listener complaints from a handful of listeners. This was sufficient cause for the Commission to issue their standard 30 day interference letter.

While conducting its due diligence in preparation for responding to the 30 day letter, Gabrielle discovered that KSWG is not operating with its licensed facilities. Specifically, KSWG is operating: (1) at a tower site a quarter of a mile from the station's licensed site; (2) with an overall height above mean sea level 57 feet higher than licensed; and (3) with a directional instead of a non-directional pattern. This matter remains pending before the Commission.¹

Gabrielle expended considerable time and resources responding to interference complaints from listeners who were listening to an unauthorized radio station. This experience underscores the need for the Commission to modify its procedures for processing interference complaints involving FM translator stations.

First, the Commission must establish a minimum threshold showing full power stations must make demonstrating interference before starting the complaint process. Under the present criteria, as few as two unsubstantiated complaints from listeners is sufficient to start the complaint process. The Commission needs to adopt an objective standard, requiring the full power station to submit documentary evidence the translator station will cause interference to the full power station. The criteria should include

¹ A copy of these Comments are being served upon counsel for the licensee of KSWG via e-mail.

complaints from a meaningful number of listeners sufficient to constitute a representative sample of the population at large both in terms of number and geography.

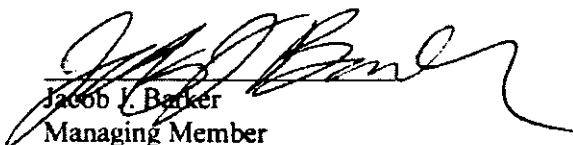
Second, the Commission must place at the disposal of the translator station all possible technical solutions. At a minimum, the translator station should be allowed to file a displacement application specifying a different frequency, even if the frequency would otherwise constitute a major change. The Commission should also consider whether other technical solutions that otherwise would constitute a major change should be allowed.

Third, the Commission must set an objective standard for determining whether a translator station has satisfactorily resolved the interference complaints. The current process imposes a letter perfect standard upon the translator station; failure to satisfactorily resolve even one interference complaint can lead to cessation of operations of the translator station. The Commission must set the criteria higher than this.

Gabrielle's experience demonstrates why the Commission needs to revisit and improve its procedures for handling interference complaints so as to fairly protect the legitimate needs of full service and translator stations. Balancing these considerations will allow the development of translator stations, thereby restoring the viability of community service of AM stations to their community.

Respectfully Submitted,

**GABRIELLE BROADCASTING
LICENSEE ORDINAL I, LLC**


Jacob I. Barker
Managing Member